

MESSAGE
OF THE
PRESIDENT OF THE UNITED STATES,
COMMUNICATING,

In compliance with a resolution of the Senate of the 31st of February last, information in relation to the abduction of one Allan Macdonald from the township of Moore, in Canada.

MARCH 6, 1868.—Read and referred to the Committee on Foreign Relations.

MARCH 10, 1868.—Ordered to be printed.

To the Senate of the United States:

In answer to the resolution of the Senate of the 21st of February last, in relation to the abduction of one Allan Macdonald from Canada, I transmit a communication from the Secretary of State, accompanied by the papers relating to that subject.

ANDREW JOHNSON.

WASHINGTON, March 5, 1868.

DEPARTMENT OF STATE,
Washington, March 5, 1868.

The Secretary of State, to whom was referred the resolution of the Senate of the 21st of February last, in relation to the abduction of one Allan Macdonald from the township of Moore, in Canada, has the honor to lay before the President the papers mentioned in the subjoined list.

Respectfully submitted :

WILLIAM H. SEWARD.

The PRESIDENT.

LIST OF ACCOMPANYING PAPERS.

- Mr. Wilson to Mr. Seward, October 7, 1867.
- Mr. Ford to Mr. Seward, November 29, 1867, with accompaniments.
- Mr. Seward to Mr. Ford, December 4, 1867.
- Mr. Seward to Mr. Russell, December 4, 1867.
- Mr. Seward to Mr. Ford, December 20, 1867, with accompaniments.
- Mr. Thornton to Mr. Seward, February 14, 1868, with accompaniments.
- Mr. Seward to Mr. Thornton, February 17, 1868.
- Mr. Thornton to Mr. Seward, February 20, 1868.

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ABDUCTION OF ALLAN MACDONALD.

Mr. Wilson to Mr. Seward.

ST. CLAIR, MICHIGAN, October 7, 1867.

SIR: Should the British government make a requisition upon the United States' government for the extradition of one Allan Macdonald, on account of his alleged unlawful capture by Wm. H. Dumphrey, sheriff of this (St. Clair) county, and Andrew Dumphrey, at the township of Moore, Lambton county, province of Ontario, on Saturday, the 5th instant, please be so kind as to defer all action until a full statement of the case can be made under your direction.

Macdonald is a prisoner under final sentence, passed by the United States district court for the eastern district of Michigan some two weeks since, for the crime of smuggling. He was sentenced to pay a fine of something like five hundred dollars and costs, and in default was, by order of that court, committed to the custody of the sheriff of this county, this being the place where the offence was perpetrated. He escaped to Canada, whence the smuggled property was imported, and which served as a depot for the property smuggled in this particular case, and in many others. He sought asylum in Canada, which has been, and now is, the asylum for smugglers who have violated our law. The interview between himself and Colonel Dumphrey, (the sheriff,) in Canada, and which resulted in his involuntary extradition, was solicited by Macdonald; and it is believed that through his instigation one or more *bullies* were assembled to assault Messrs. Dumphrey. The assault was commenced by Canadians, who are responsible for the force used. It is alleged that pistol-shots were fired, and that one Canadian received a bullet wound in his head. This is denied. On the contrary, it is claimed that the wound, if any, was caused by a stroke with the but of a pistol, made in self-defence, upon a man who commenced the *emeute*.

The fact that Macdonald is a prisoner under final sentence, instead of being under preliminary arrest, is submitted as a reason why much caution should be exercised in the investigation of any demand the British government may make in the premises.

I have the honor to be, sir, very respectfully, your most obedient,

G. W. WILSON.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Ford to Mr. Seward.

WASHINGTON, November 29, 1867.

SIR: At the instance of his excellency the governor-general of the dominion of Canada, I beg to call your attention to the circumstances under which a British subject named Allan Macdonald has been placed, and is still kept, in close confinement in St. Clair, in the State of Michigan.

From the five affidavits, specified in the margin, which I have the honor to inclose herewith, it would appear that on the afternoon of the 5th ultimo Macdonald was standing near a tavern situated in the township of Moore, province of Ontario, on the road running along the bank of the St. Clair river. He was there accosted by William C. Dumphrey, (sheriff of the county of St. Clair, in the State of Michigan,) and Andrew Dumphrey, (a brother of the sheriff,) who desired him to cross the river with them. On his refusing to do so, William Dumphrey drew a revolver and threatened to blow his brains out if he failed to comply with their wish, and the two Dumphreys then laid hands on Macdonald. A person named Rankin appears then to have inter-

ferred, whereupon a struggle ensued between him and William Dumphrey, in the course of which the latter fired two shots with his revolver, both of which grazed Rankin's head, who fell and was finally overcome, after which Macdonald was secured and forcibly removed from the soil of Canada to that of the United States.

I trust that you will be good enough to cause an investigation to be made in the matter, and I venture to hope that, should the inquiry lead to the substantiation of the facts alleged, Macdonald may be set at liberty, and such other reparation made to him as the circumstances may appear to require.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

FRANCIS CLARE FORD.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Deposition of Stephen Rankin.

COUNTY OF LAMBERTON, *to wit:*

I, Stephen Rankin, of the township of Moore, in the county of Lambton, and province of Ontario, yeoman, make oath and say:

1. That on the fifth day of October, in the year of our Lord one thousand eight hundred and sixty-seven, I was present at a tavern kept by one Joseph Gallarno, on the side of the road which runs along the bank of the river St. Clair, in the said township of Moore, opposite to the town of St. Clair, in the State of Michigan, one of the United States of America.

2. That about three o'clock in the afternoon of the said fifth day of October, I saw one Allan Macdonald standing in the road opposite said tavern, beside a wagon driven by one John Kerby, talking to said John Kerby; and, while so talking, I saw him in the hands of two men, whom I believed to be officers of justice from the said town of St. Clair. Whereupon, I immediately ran and took hold of one of said officers, whom I believe to have been Sheriff William H. Dumphy, of the county of St. Clair, in said State of Michigan. Said officer then told me he would blow my brains out, and immediately fired a revolver at me. I felt the ball strike me on the back of my head, and I fell on my knees. I struggled on to my feet, when the said officer again fired at me with a revolver, and the powder from the discharge of the said revolver partially lodged in my right eye. I then closed with said officer, and we both rolled into the ditch by the road-side, where I relinquished my hold of the said officer.

3. That after I had relinquished my hold of the said officer, as aforesaid, I saw him, together with the other of said officers, place the said Macdonald in a boat, and row across the said river St. Clair, in the direction of the said town of St. Clair.

4. That at the time the said Macdonald was so taken away in the said boat, as aforesaid, he was bleeding from the face; and one of said officers was rowing said boat, and the other was holding said Macdonald with one hand, and a revolver in the other.

5. That I required medical attendance to dress my wound in the back of my head, and suffered from the same for three weeks.

STEPHEN RANKIN.

Sworn before me, at the township of Moore, in the county of Lambton, this seventh day of November, A. D. 1867.

JOHN HADDEN,
Justice of the Peace, County of Lambton.

Deposition of Rebecca Macdonald.

COUNTY OF LAMBERTON, *to wit:*

I, Rebecca Macdonald, of the township of Sombra, in the county of Lambton and province of Ontario, wife of Neil C. Macdonald, of the same place, yeoman, make oath and say:

1. That I am the mother of Allan Macdonald, of the said township of Sombra, yeoman.
2. That I visited the jail at the town of St. Clair, in the State of Michigan, one of the United States of America, on the seventh day of November, in the year of our Lord one

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thousand eight hundred and sixty-seven, at about the hour of three o'clock in the afternoon, and I then and there found the said Allan Macdonald confined in the said jail.

her
REBECCA + MACDONALD.
mark.

Sworn before me, at the township of Moore, in the county of Lambton, this seventh day of November, A. D. 1867, having been first read over and explained to the said deponent, Rebecca Macdonald, who seemed perfectly to understand the same, and made her mark thereto in my presence.

JOHN HADDEN,
Justice of the Peace, County of Lambton.

Deposition of John Kerby

COUNTY OF LAMBERTON, *to wit:*

I, John Kerby, of the township of Moore, in the county of Lambton, butcher, make oath and say :

1. That at or about three o'clock in the afternoon of the fifth day of October, in the year of our Lord one thousand eight hundred and sixty-seven, I was driving past the tavern kept by Joseph Gallarno, situate on the side of the road which runs along the bank of the river St. Clair, in the township of Moore, in the county of Lambton, opposite to the town of St. Clair, in the State of Michigan, one of the United States of America.

2. That at the said time and place above mentioned, while so driving past the said tavern as aforesaid, I stopped and spoke with one Allan Macdonald, and, while so speaking to him, a man whom I did not know, but have reason to believe was an officer from the said town of St. Clair, took hold of said Allan Macdonald by the collar, and, drawing a revolver from his pocket, threatened to shoot said Macdonald if he made any resistance ; and immediately then another man, whom I have also reason to believe was an officer of the said town of St. Clair, seized the said Macdonald and dragged him towards the river bank.

3. That after the occurrence stated as above, I ran up the road for assistance, and while so running I heard the report of a pistol.

4. That after the above I saw said Macdonald being taken towards a boat lying at the bank of the river St. Clair, by the two men mentioned above as being officers, one of whom held a revolver in his hand, and the said Macdonald was then bleeding from a wound in the face.

5. That I then saw said officers put said Macdonald in a boat, and row the same across the river St. Clair, in the direction of the said town of St. Clair.

JOHN KERBY.

Sworn before me, at the township of Moore, in the county of Lambton, this seventh day of November, A. D. 1867.

JOHN HADDEN,
J. P. Co. Lambton.

Deposition of Andrew Gallarno.

COUNTY OF LAMBERTON, *to wit:*

I, Andrew Gallarno, of the township of Moore, in the county of Lambton, yeoman, make oath and say :

1. That on the fifth day of October, in the year of our Lord one thousand eight hundred and sixty-seven, I was present at a tavern kept by my brother, Joseph Gallarno, situate on the side of the road which runs along the bank of the river St. Clair, in the township of Moore, in the county of Lambton, opposite to the town of St. Clair, in the State of Michigan, one of the United States of America.

2. That while I was so present as aforesaid, between two and three o'clock of the afternoon of the said fifth day of October, William H. Dunphy, the sheriff of the county of St. Clair, in the State of Michigan, and Andrew Dunphy, his brother, landed from a boat on the shore of the said river St. Clair, in the said township of Moore.

3. That about three o'clock of the said afternoon of the said fifth day of October, I saw one Allan Macdonald standing in the road opposite to the tavern of the said Joseph Gallarno, talking to one John Kerby, and while so talking to the said John Kerby, the said sheriff, William H. Dunphy, went up to the said Allan Macdonald, and, taking him by the collar, asked him if he "was going away with him," (meaning across the river to the said town of St. Clair) ; Macdonald replied, "I do not like to go over now." The said sheriff, Dunphy, then drew a revolver, and, placing the muzzle against said Macdonald's head, said, "If you don't go I'll blow your brains out." The said Andrew Dunphy then caught hold of the said Macdonald, round the body, and tried to drag him to the boat in which the said

Andrew Dunphy and the said sheriff, William H. Dunphy, had landed. At this time one Stephen Rankin interfered, and taking hold of the said Macdonald endeavored to prevent his being taken to the said boat. The said sheriff then came up to the said Rankin and struck at him with the butt end of a revolver, and immediately afterwards fired at the said Rankin; whereupon the said Rankin closed with said sheriff, and both fell into the ditch by the roadside.

4. That at this time the said Andrew Dunphy had the said Macdonald on the ground, and called out that "he had him all right;" whereupon the said sheriff, William H. Dunphy, left the said Rankin, and taking hold of said Macdonald, assisted the said Andrew Dunphy in taking him to said boat.

5. That the said Macdonald was placed in the said boat by the said William Henry Dunphy and Andrew Dunphy, and the said Andrew Dunphy rowed the said boat from the shore of the said river St. Clair, in said township of Moore, and landed the same with the said Macdonald at the said town of St. Clair.

6. That when the said Macdonald was taken away in the said boat as aforesaid, he was kneeling in the said boat, and bleeding from the left side of his face, and the said William H. Dunphy was sitting in the stern of the said boat with a revolver in his hand.

7. That immediately before the said sheriff, William H. Dunphy, and Andrew Dunphy, took away the said Macdonald as aforesaid, the said sheriff said that they were going to have him, (the said Macdonald,) and that they were ready for twenty or thirty men in case of resistance.

ANDREW GALLARNO.

Sworn before me, at the township of Moore, in the county of Lambton, this seventh day of November, A. D. 1867.

JOHN HADDEN,
J. P. County Lambton.

Deposition of George L. Cornell.

STATE OF MICHIGAN, *County of St. Clair, ss :*

George L. Cornell, being duly sworn, deposes and says that he is a regularly licensed physician and surgeon, practicing at the city of St. Clair, in the county of St. Clair, and State of Michigan; and deponent says that on the 8th day of October, in the year one thousand eight hundred and sixty seven, he, deponent, went to the township of Moore, in the province of Ontario, for the purpose of seeing a man by the name of Rankin, said to have been wounded by a pistol shot at the hand of Wm. H. Dunphy, sheriff of the county of St. Clair, Michigan. I called upon Doctor E. Oliver, who had dressed said Rankin's wound, and stated to him that I wished to see said Rankin, and examine said wound. Doctor Oliver went with me and found said Rankin in a blacksmith shop, and brought him to the store of Mr. Johnson, at Mooretown, where I examined said wound, first removing the dressing, and found a semi-lunar incision on the scalp on the posterior part of the head, not to exceed a half an inch in length, with the tissues entire. The incision was perpendicular in its direction, and had the appearance of having been cut by the sharp end of some hard substance, like the butt of a pistol or end of a sharp stick or stone; and deponent further says that he is familiar with gunshot wounds, having in his practice dressed a large number, and is perfectly satisfied, from a critical examination of the wound on the head of the said Rankin, that the same could not by any possibility have been inflicted by a gun or pistol-shot. On examining the wound with Doctor Oliver, he, Doctor Oliver, stated to me that he was fully satisfied that the wound had not been made by a shot, the edges of the wound fitting each other, none of the tissues being carried away, as it must necessarily have been if the wound had been inflicted by a gunshot wound; and further deponent saith not.

M. S. CORNELL.

Subscribed and sworn to before me at St. Clair, this 8th day of October, 1867.

M. H. MILES,
Justice of the Peace, St. Clair County, Michigan.

Mr. Seward to Mr. Ford.

DEPARTMENT OF STATE,
Washington, December 4, 1867.

SIR: I have the honor to acknowledge the receipt of your communication of the 29th ultimo, relative to the alleged forcible abduction of a British subject named Allan Macdonald from Canada into the United States, and who is now

held in close confinement in St. Clair, Michigan. In reply, I have the honor to inform you that the proper authorities will be directed to make a thorough investigation of the matter.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

FRANCIS CLARE FORD, Esq., &c., &c., &c.

Mr. Seward to Mr. Russell.

DEPARTMENT OF STATE,
Washington, December 4, 1867.

SIR : Her Britannic Majesty's chargé d'affaires has sent to this department several affidavits, tending to prove that on or about the 5th day of October last, William Dunphy, stated to be the sheriff of St. Clair county, Michigan, and one Andrew Dunphy, entered the town of Moore, in the province of Ontario, and forcibly abducted therefrom one Allan Macdonald, whois represented to be now in close confinement in the county of St. Clair. It is further stated that fire-arms were used by the Messrs. Dunphy to effect the seizure and abduction, and that one or more persons were wounded by them. With or without this aggravation the transaction, as represented by the document, constituted an unwarrantable invasion of the jurisdiction of a friendly power which it is the duty of this government to investigate and redress. The circumstance that Macdonald, as is reported to this department from another, was a prisoner under sentence in the custody of the sheriff of St. Clair county, is but a feeble palliation of their grave infringement of international law. I have to request that you will investigate the facts without delay, and make an immediate report upon them to this department.

Your obedient servant,

WILLIAM H. SEWARD.

ALFRED RUSSELL, Esq.,
*United States District Attorney,
Eastern District of Michigan, Detroit.*

Mr. Seward to Mr. Ford.

DEPARTMENT OF STATE,
Washington, December 20, 1867.

SIR : I have the honor now to recur to your note of the 29th of November, concerning the abduction of Allan Macdonald from Canada and his removal to the United States. I give you, for your present information, a full copy of the report upon the subject which has recently been made by Alfred Russell, esq., district attorney of the United States for the eastern district of Michigan, and of the several papers which accompany that report.

I shall esteem it a favor if you will call at the department to confer with me on the subject informally, after you shall have made yourself acquainted with the contents of the papers thus submitted.

I have the honor to be, with the highest consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

FRANCIS CLARE FORD, Esq., &c., &c., &c.

Mr. Russell to Mr. Seward.

UNITED STATES DISTRICT ATTORNEY'S OFFICE,
EASTERN DISTRICT OF MICHIGAN,
Detroit, December 16, 1867.

SIR: I have the honor to acknowledge your communication of the 4th instant, requesting me to investigate and report the facts concerning the abduction of Allan Macdonald from Canada, and his removal to the United States.

Macdonald, a citizen and resident of the United States, recently pleaded guilty to an indictment for smuggling in the United States district court here, and sentenced to pay a fine of five hundred dollars and costs, and was committed to the county jail of St. Clair county until payment should be made.

Being allowed the limits, he escaped and fled to Canada.

Shortly afterwards he sent a message to the sheriff who kept the jail, stating that he would return to the jail with the sheriff if the latter would go to see him. Accordingly, Colonel Dunphy, the sheriff, went, accompanied by his brother Andrew. Macdonald started, voluntarily, to return, but when within a few rods of the ferry-boat, and about one mile from the jail, he changed his mind, and refused to go further, whereupon Andrew Dunphy, *by force, but without any weapon*, compelled him to enter the ferry-boat and cross into the United States, where he is now confined, as before, upon said sentence.

When Macdonald was compelled to enter the boat, a Canadian bystander, named Rankin, attacked and threw down Colonel Dunphy, the sheriff, (who had not laid hands upon Macdonald,) and Colonel D., in order to release himself, struck Rankin on the head with the butt of his pistol, which discharged itself harmlessly.

I beg to refer to the affidavit of Colonel Dunphy, marked A, as to the details; to the affidavit (certified copy) of Dr. Cornell, who examined Macdonald subsequently, as to his condition, marked B; to the affidavit of the same, marked C, as to the nature of the wound of Rankin, showing it not to be a gun-shot wound, and to the letter of my local deputy, Mr. Wilson, marked D, giving Macdonald's voluntary statement as to the whole affair.

The act of Andrew Dunphy, the sheriff asserts, was done *without* his direction or authority. If it be *not* considered the act of the sheriff, the transaction is reduced to a less proportion, perhaps.

I am, sir, very respectfully, your obedient servant,

ALFRED RUSSELL,
United States District Attorney.

Hon. WILLIAM H. SEWARD,
Secretary of State.

A.—*Deposition of William H. Dunphy.*

STATE OF MICHIGAN, *County of St. Clair, ss:*

William H. Dunphy, sheriff of the county of St. Clair, being first duly sworn deposes and says, that on or about the 5th day of October, A. D. 1867, the deponent received an oral request from one Allan Macdonald, theretofore convicted and sentenced in the district court of the United States for the eastern district of Michigan, to pay a penalty of (\$500) five hundred dollars, and costs, for smuggling liquors from the province of Ontario into the United States, and confined in virtue of a *mittimus* issued out of said court, in default of payment of said fines and costs; was committed to the common jail of the county of St. Clair, of which deponent was and is the legal and actual keeper, and who had been allowed the jail limits, and had escaped to the said province of Ontario, to meet him the said Macdonald in the township of Moore, county of Lambton, province of Ontario; and that in pursuance of said request deponent did proceed to the said place, and was accompanied by his brother, Andrew Dunphy; and that he did meet the said Allan Macdonald as requested. That the said Allan Macdonald was desirous of compromising the amount of said fine and

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costs, and assured deponent that he would not by his act in taking advantage of the treatment given him subject deponent to any injury. That deponent requested him to return to the United States, and that the said Macdonald said he would do so if any injury would otherwise result to the deponent. That at the instance of the said Macdonald deponent dined with him at Moore. That shortly thereafter, and without any direction or suggestion from deponent, while the said Macdonald was in the highway, the said Andrew Dunphy seized him, the said Allan Macdonald, and a struggle between them ensued. That during its progress, and without any cause, except that deponent was an American citizen, and while in peace with all mankind, one Rankin, whose first name is unknown, a resident of Moore, as deponent has since been informed, attacked deponent with force; that he the said Rankin grappled with deponent, and both deponent and Rankin fell, deponent falling underneath; and that wholly in self-defence, while thus prostrate, he deponent struck the said Rankin with the butt of his pistol upon the head, and that by reason of the concussion the pistol discharged, it being loaded with fixed cartridges. That deponent then extricated himself from the grasp of said Rankin, and that he, the said Rankin, rose and walked to a house near the spot. That during the whole affray, and the taking of the said Allan Macdonald from Ontario, deponent did not touch him, Macdonald, or direct, or advise any one then or at any time to take him by force from Ontario. That his, deponent's, purpose in going to Ontario on that occasion was to comply with the request of Macdonald, and persuade him to voluntarily return to the United States, if possible. And deponent further says that the said Allan Macdonald is an unmarried person, and has resided in the State of Michigan more than ten years last past, and during most of that time in the city of St. Clair, in the county of St. Clair aforesaid.

W. H. DUNPHY.

Subscribed and sworn to before me, at St. Clair, this 14th day of December, A. D. 1867.

G. W. WILSON,

Notary Public, St. Clair County, Michigan.

B.—*Deposition of George L. Cornell.*

STATE OF MICHIGAN, County of St. Clair, ss:

George L. Cornell, being first duly sworn, deposes and says that he is a regularly licensed and practicing physician and surgeon, now residing at the city of St. Clair, in the county aforesaid, and has so been for the last fifteen consecutive years, and that a portion of said time, to wit, about fourteen months, he was a surgeon in the federal army, and that now he is the county physician, a part of whose duty it is to attend all patients confined in the St. Clair county jail; that on this 10th day of October, A. D. 1867, he made a critical examination of one Allan Macdonald, now confined in said jail under sentence of the United States district court for the eastern district of Michigan, on conviction and judgment for smuggling, as he is informed and verily believes; that he found a slight abrasion of the cuticle on the lower lip of said Allan Macdonald, and that there is a slight swelling of the right cheek; that no ecchymosis is apparent upon his face, that there is no gunshot wound, or any other mark of injury, except as above stated, upon his person, and that he, the said Allan Macdonald, is in good health, and stated that he had not been shot at, and that at no time has he claimed to have been; and that he now feels entirely well.

G. L. CORNELL.

Subscribed and sworn to before me this 10th day of October, A. D. 1867.

G. W. WILSON,

Notary Public, St. Clair County, Michigan.

COUNTY OF ST. CLAIR, ss:

I hereby certify that the foregoing is a full, true, and complete copy of an affidavit taken and made before me on the day of the date thereof, and by me forwarded, at the special instance and request of himself, to T. B. Pardee, Queen's counsel at Sarnia, province of Ontario; and that the examination therein recited was made at the like instance of the said Pardee.

G. W. WILSON,

Notary Public, St. Clair County, Michigan.

C.—*Deposition of George L. Cornell.*

STATE OF MICHIGAN, County of St. Clair, ss:

George L. Cornell, being first duly sworn, deposes and says that he is a practicing physician and surgeon, now residing at the city of St. Clair, in the county of St. Clair aforesaid;

that on the 8th day of October, A. D. 1867, he (deponent) went to Mooretown, in the province of Ontario, dominion of Canada, at the request of William H. Dunphy, sheriff of the county of St. Clair, for the purpose of making an examination of a man whose name he understood to be — Rankin, and who, it was reported, had received a gunshot wound from pistol fired at him on or about the 5th day of October, A. D. 1867, at the township of Moore, in the province of Ontario aforesaid, by said Dunphy; that he, (deponent,) then and there, met Doctor E. Oliver, who informed him that he, the said Doctor Oliver, had, on the day of the abduction of Allan Macdonald from the said province of Ontario, been called to dress a wound on the head of the said Rankin, said to have been made by a pistol-shot fired by said Dunphy; that said Doctor Oliver, then and there, stated that, without reflection, he had fallen into the error of the reports, and had called said wound a gunshot wound, but that, upon reflection, he (Doctor Oliver) recalled many appearances thereof wholly inconsistent with that hypothesis; that the wound was only a cut through the scalp, the skull not being injured; that the hair of the scalp was imbedded in the wound—the scalp entirely present, and the edges somewhat irregular, and came together in perfect apposition; that the wound was semi-lunar in shape, and perpendicular in its direction. And further, he (deponent) then, in company with the said Doctor Oliver, went in search of the said Rankin, who was found in a blacksmith's shop, and was invited, and went across the street to a store, when and where this deponent made, in company with said Doctor Oliver, an examination of the said wound upon the said Rankin; the said wound was a little above the line of the ear, over the external protuberance of the occipital bone, and perpendicular in its direction; that said wound was about seven-sixteenths of an inch in length, semi-lunar in shape, and was rapidly healing by "first intention," and that there was no sloughing whatever, and that, from the appearance of the wound, and the knowledge deponent has of gunshot wounds, deponent says that it is his firm belief that the said wound was not caused by a pistol-shot, but was caused by a blow with some hard substance; that deponent has examined the butt of the pistol of the said William H. Dunphy and that a blow with the butt of said pistol would be liable to make precisely such a wound. And deponent further says that heretofore, to wit, on or about the 8th day of October last, he made an affidavit, in which was set forth the foregoing facts, in substance, which affidavit was, as he is informed and believes, placed in the hands of T. B. Pardee, Queen's counsel, residing at Sarnia, in said province of Ontario, and by said Pardee retained to be used in the report of the alleged abduction case of Allan Macdonald to the superior officials of said province of Ontario.

G. L. CORNELL.

Subscribed and sworn to, at St. Clair, this 14th day of December, A. D. 1867, before me,

G. W. WILSON.

Notary Public, St. Clair County, Michigan.

D.—*Mr. Wilson to Mr. Russell.*

ST. CLAIR, MICHIGAN, December 14, 1867.

DEAR SIR: The following are extracts from a memorandum of a voluntary statement to myself on the 8th October, 1867, made by Allan Macdonald, then confined in the common jail of the county of St. Clair, in virtue of a *mittimus* issued out of the district court of the United States for the eastern district of Michigan, upon conviction and judgment for smuggling, and who, on the 5th of October, 1867, it is alleged, was forcibly abducted from the province of Ontario, viz :

"Had been at the fair at Mooretown Thursday, and sent word to Colonel Dunphy that I was coming up Saturday, and requested him to come and see me. Came up from my father's near Wallaceburg, with a nephew, George Macdonald, about twelve or fourteen years old. Took dinner at Jos. Gallardo's, Dunphy with me. I told the sheriff, Dunphy, that it would make an affidavit that he would not lock me up, I would go right over with him. Don't recollect what he said. I also told Jos. Galerino that if Dunphy would swear that he would not lock me up I would go right over with him. I was intending to come over, and would have come if the colonel would have been obliged to have lost anything by reason of my leaving. I did not intend to remain away, but thought I could settle better if in Canada. I did not intend to let the colonel lose a cent on my account."

At the close of the conversation are the following remarks:

"I would have come over in five minutes if they had not begun so rough. Colonel Dunphy has always treated me like a gentleman. I have not communicated with any one, before this, the particulars of the affray, or said anything about it."

The above is a full and consecutive copy of the conversation upon the points stated, and the whole of what was said upon them.

I have the honor to be, sir, very respectfully, your most obedient servant,

G. W. WILSON.

Hon. ALFRED RUSSELL.

United States District Attorney, Detroit, Michigan.

Mr. Thornton to Mr. Seward.

WASHINGTON, February 14, 1868.

SIR: I have the honor to transmit to you herewith some documents which have been forwarded to this legation by his excellency Viscount Monck, and which contain evidence relative to the abduction of Allen Macdonald from the township of Moore, in Canada, on the 5th of October last, by William H. Dunphy, sheriff of St. Clair, in Michigan, accompanied by his brother, Andrew Dunphy.

I venture to ask you to peruse these documents, and I think you will consider that a certain amount of force was used by the two brothers on the occasion in question. At the same time Macdonald can inspire but little sympathy, for there is no doubt that he had behaved extremely ill in escaping to Canada, after the sheriff had kindly given him his liberty on condition that he should not leave the town of St. Clair. It seems, too, that Macdonald, being desirous that the sheriff should not suffer on account of the former having made his escape, actually invited him to come over to Moore, in order that some arrangement might be come to, and he expressed his determination, if that were found impossible, to return himself to St. Clair. And in his subsequent declaration, Macdonald states that he should have returned that evening, if force had not been used to make him do so in the morning. These are no doubt extenuating circumstances, but although on so extensive a frontier as that between this country and Canada it is difficult entirely to prevent abuses of power by subaltern authorities, it is certainly in the interest of both countries to put a stop to them as far as possible; and I therefore hope that after examining the evidence I now forward to you, you will be able to recommend such measures as may show your sense of what took place on the occasion of the abduction of Allen Macdonald, and may contribute to prevent the repetition of such an occurrence.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

EDWARD THORNTON.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. McMicken to Sir J. Macdonald.

OFFICE OF STIPENDIARY MAGISTRATE,

Windsor, January 17, 1868.

SIR: In obedience to your instructions I proceeded to Sarnia, and thence to the township of Moore, &c., and instituted a thorough investigation into the circumstances of the abduction of Allen Macdonald from the township of Moore, on the 5th of October last.

I have the honor to report the result of such investigation, which I hope and believe you will find very clearly set forth the main features of this affair, and exhibits the chief question involved, fully and indisputably confessed.

You will find the whole matter succinctly submitted, viz:

1. Copy of communication from T. B. Pardee, esq., county crown attorney of Lambton, to the Hon. J. S. Macdonald, attorney general of Ontario, reporting the abduction.
2. Communication or report of said county general to said Hon. John S. Macdonald, attorney general, with evidence taken by him, the said county attorney.
3. Copy of original affidavit of John Kirby, followed by a confirmatory affidavit made before me, in which is brought out some additional facts connected with the case.
4. Copy of original affidavit of Stephen Rankin, following which is his affidavit made before me on the 14th instant.
5. Copy of original affidavit of Andrew Gallerno, with confirmatory affidavit of the same, made before me, also on the 14th instant.
6. Copy of original affidavit of Rebecca Macdonald, mother of Allan Macdonald—the object of this being to show that Allan Macdonald was still in jail on the 7th of November, 1867. I did not deem it necessary to renew this, as she lived at considerable distance, and the fact is established anew at a later date.
7. Affidavit of Joseph Gallerno, made before me on the 14th instant.

This witness was not examined at the original investigation.

8. Affidavit of George Powell, made before me on 14th instant. This evidence is also original.

9. Affidavit of Samuel Collinge made before me on 14th instant. This evidence is likewise original.

10. The affidavit of Allan Macdonald, the person abducted, taken before me in the jail at St. Clair, in Michigan, on the 15th of January, 1868. Macdonald was permitted by the sheriff, William H. Dunphy, to be in a room with me, free from any obstacle or hindrance to his giving me his own free and unbiased version of the case.

11. Statement voluntarily made by William H. Dunphy to me in the jail at St. Clair, Michigan, on the 15th January, 1868.

12. Confirmatory statement of Andrew Dunphy, made at same time and place.

I do not think it at all necessary to weigh minutely the evidence as to conflicting points, as you will at once observe these affect the case but in immaterial issues. The difference in testimony is but such as is usually found to exist in separate accounts of matters occurring under excitement, when all the witnesses are equally observant and truthful. The main facts are fully established and are not disputed, viz:

That Macdonald was carried away by force and violence, and against his will, from Canadian territory, on the the 5th day of October, 1867.

That Macdonald was so carried away by William H. Dunphy, sheriff of the county of St. Clair, in the State of Michigan, and Andrew Dunphy, brother to said sheriff.

That said Allan Macdonald was taken and carried away to the town of St. Clair, in Michigan, and there imprisoned in the jail at St. Clair, and that said Allen Macdonald is now, on the evening of the 15th of January, 1868, still in jail in said town of St. Clair, in custody of said William H. Dunphy.

It matters little whether Macdonald was first seized or taken hold of by William H. Dunphy, or by Andrew Dunphy, and this is the only material point disputed by said Sheriff Dunphy.

Sheriff Dunphy admits most clearly and distinctly that Maedonald was not assenting to his being taken away, and that with a certain degree of violence he and his brother did take Macdonald across the river, and did put him in jail at St. Clair in his own custody.

He also admits that a revolver was exhibited, and that he struck Rankin with the butt of it. So far, I apprehend, is comprised the whole gist of the case.

ABDUCTION OF ALLAN MACDONALD.

The abduction took place as alleged. The abduction was with force and violence. The abduction was committed by William H. Dunphy; and that Allan Macdonald, the victim of said abduction, is now in jail at St. Clair, in Michigan. I have, &c.,

G. McMICKEN,
Stipendiary Magistrate, Ontario.

Hon. Sir J. A. MACDONALD, K. C. B., &c.

Mr. McMicken to Sir J. McDonald.

SUPPLEMENTARY REPORT—THE ABDUCTION OF ALLAN MACDONALD.

OFFICE OF STIPENDIARY MAGISTRATE,

Windsor, January 18, 1868.

SIR: I now beg leave to hand you, in addition to papers already submitted in the abduction of Allan McDonald, a copy of a report of Alfred Russell, esq., United States attorney for the district of Michigan, on the case made to the Honorable W. H. Seward, Secretary of State for the United States, under date of 16th of December last. You will note that this report of Mr. Russell was made under certain misapprehension of facts from incorrect reports made to him.

In the first place, Macdonald was not a citizen of the United States—see Macdonald's own affidavit read over to Sheriff Dunphy, and not disputed by him. In the second place, Macdonald did not "start voluntarily to return." All the evidence shows the contrary; even the sheriff's own statement admits that he at first resisted and called for assistance.

As to the wound inflicted upon Rankin, it was not a very severe one; whether it was the result of a blow by the sharp butt of the pistol, or by a bullet, is a disputed point. Having seen the pistol and made inquiries respecting the wound, I am inclined to the former view of the case. In the main, however, Mr. Russell admits the abduction. He says, "if it be *not* considered the act of the sheriff, the transaction is reduced to a less proportion perhaps." And in a conversation with him last evening on the affair, he, after hearing some of the testimony, with Macdonald's affidavit, and Sheriff Dunphy's statement, authorized me to say that he had no doubt the abduction took place without Macdonald's consent, and with a certain degree of force.

I have, &c.,

G. McMICKEN,
Stipendiary Magistrate.

Sir JOHN A. MACDONALD, K. C. B.,
Minister of Justice, &c., &c., Ottawa.

Mr. Russell to Mr. Seward.

UNITED STATES DISTRICT ATTORNEY'S OFFICE,

Detroit, December 16, 1867.

SIR: I have the honor to acknowledge your communication of the 4th inst., requesting me to investigate and report the facts concerning the abduction of Allan Macdonald from Canada, and his removal to the United States.

Macdonald, a citizen and resident of the United States, recently pleaded guilty to an indictment for smuggling in the United States district court here, was sentenced to pay a fine of \$500 and costs, and was committed to the county jail of St. Clair county until payment should be made.

Being allowed the limits, he escaped, and fled to Canada. Shortly afterwards he sent a message to the sheriff, who kept the jail, stating that he would return

to the jail with the sheriff, if the latter would go to see him. Accordingly, Colonel Dunphy, the sheriff, went, accompanied by his brother, Andrew.

Macdonald started voluntarily to return, but when within a few rods of the ferry-boat, and about one mile from the jail, he changed his mind, and refused to go further, whereupon Andrew Dunphy, *by force*, but without any weapon, compelled him to enter the ferry-boat, and cross into the United States, where he is now confined, as before, upon said sentence.

When Macdonald was compelled to enter the boat, a Canadian bystander, named Rankin, attacked and threw down Colonel Dunphy, the sheriff, (who had not laid hands on Macdonald,) and Colonel Dunphy, in order to release himself, struck Rankin on the head with the butt of his pistol, which discharged itself harmlessly.

I beg to refer to the affidavit of Colonel Dunphy, marked A, as to the *details*; to the affidavit (certified copy,) of Dr. Cornell, who examined Macdonald subsequently as to his condition, marked B; to the affidavit of the same, marked C, as to the nature of the wound of Rankin, showing it not to be a gun-shot wound; and to the letter of my local deputy, Mr. Wilson, marked D, giving Macdonald's voluntary statement of the whole affair.

The act of Andrew Dunphy, the sheriff asserts, was done without *his* direction or authority. If it be not considered the act of the sheriff, the transaction is reduced to a less proportion perhaps.

I am, &c.,

ALFRED RUSSELL,
United States District Attorney.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c.

Mr. McMicken to Sir J. Macdonald.

SUPPLEMENTARY REPORT—REABDUCTION OF ALLAN MACDONALD.

OFFICE OF STIPENDIARY MAGISTRATE,
Windsor, January 18, 1868.

SIR: On behalf of William H. Dunphy, I beg leave to state that in the first instance he was most ungratefully required by Macdonald for his kindness to him, to which he was moved by feelings of compassion and humanity alone. In a few days after his escape Macdonald seems in some degree to have repented of his dishonorable conduct, and sent a message to the sheriff desiring him to come over and see him, fixing the particular time and place. The sheriff came over at Macdonald's request, without intent to use force or violence, for he came with Macdonald's messenger, in a Canadian boat which the messenger had gone over in and was returning with. The thought of forcing Macdonald away was suddenly conceived and as suddenly executed. Macdonald being small and weakly, it was easy to carry him away, and intimidation, so far as used, was for the purpose of preventing those standing by from interfering. Sheriff Dunphy admits his great indiscretion, and regrets very much that he was guilty of it. He very kindly and freely permitted me to have access to Macdonald, and to examine him apart from any person whatever, and appeared perfectly willing to narrate to me the whole particulars of the matter. This he did, I believe, truthfully, so far as the excitement of the occurrence permitted him to remember them.

I have, &c.,

G. McMICKEN,
Stipendiary Magistrate, Ontario.

Hon. Sir JOHN A. MACDONALD, K. C. B.
Minister of Justice, Ottawa.

ABDUCTION OF ALLAN MACDONALD.

Second affidavit of John Kirby.

The foregoing is a true copy of an affidavit made by me in the matter therein referred to, to wit, the forcible abduction of Allan Macdonald from the township of Moore by Wm. H. Dunphy, sheriff of St. Clair, in Michigan, and his brother Andrew Dunphy, given and sworn to at the instance of J. B. Parlee, esq., county crown attorney for Lambton in the early part of November, 1867. In addition thereto I have only to add, which was then omitted, that I saw Stephen Rankin and the said Wm. H. Dunphy clinched and struggling together, when I went for assistance. I first called on Joseph Gallerneau and said it was a shame to allow a man to be kidnapped that way. Gallerneau refused to assist, and said they will shoot you if you interfere. I then went up to Harvey's tavern and asked for one Coulter, who is a constable. I was told that he was not there and that he had gone up to Mooretown. Harvey was sitting on his porch witnessing the whole affair. I was not aware there were other men in the house at the time, or would have called them out to aid in rescuing Macdonald. Just as the boat had left the shore one Samuel Collinge ran out from Harvey's and called to the Dunphys to bring back the boat. The reply came back, "Go to hell, you damned sons of bitches." When Macdonald was first seized he called out for help. When Macdonald was talking with me in front of Gallerneau's he told me they were over for him; that he had sent for them to try if he could get it settled, but had not made up his mind to go, and asked my opinion. I told him I could not say whether he would be safe in going ever unless some arrangement was made first. I am quite certain he was taken away against his will; he is a small weakly man and a cripple, and not capable of making much resistance.

JOHN KIRBY.

Sworn before me at the township of Moore, in the county of Lambton, this 14th January, 1868.

G. McMICKEN.

Stipendiary Magistrate and Justice of the Peace, Lambton.

*Second affidavit of Stephen Rankin.*COUNTY OF LAMBTON, *to wit*:

I, Stephen Rankin, of the township of Moore, in the county of Lambton, in the province of Ontario, yeoman, make oath and say that on the 5th day of October, 1867, I was in the tavern kept by Joseph Gallerneau in said township of Moore; I saw several people in the bar-room on that occasion, of whom were Allan Macdonald and a young man said to be Macdonald's nephew, George Powell, Samuel Collinge, and Joseph and Andrew Gallerneau, together with two other persons whom I did not then know, but afterwards ascertained to be Wm. H. Dunphy, the sheriff of St. Clair county, in the State of Michigan, and his brother, Andrew Dunphy. While in the bar-room the said Sheriff Dunphy displayed a revolver in his hand, saying he had shot lots of secesh in the war, and every time he tried he never missed a shot. I thought this conduct very strange, but at the time did not know what it meant. This was before Macdonald came into the bar-room, and I did not know he was in the house until he came into the bar-room after having his dinner. Soon after this John Kirby drove up in the road in front of Gallerneau's, when I saw Macdonald go up to the wagon and speak to him. I approached and handed Kirby some money, as I owed him a little. I did this chiefly with a view to hear what Macdonald was saying, as I had become suspicious of something being up, but could not think what. Macdonald ceased talking, and thinking he did not wish me to hear I moved off a little distance. While standing in the road near Kirby's wagon I heard Macdonald call for help, and looking round I saw that the two men, whom I now know to be Wm. H. Dunphy and Andrew Dunphy, had hold of Macdonald and were dragging him away. I immediately went up to them and put my hand on Wm. H. Dunphy's arm and said not to try to take the man away by force; the law would not allow such a course. He replied that he would blow my brains out if I interfered. I said hastily, "shoot and be damned," and put one hand on to Macdonald to try to get him out of their grasp. When Macdonald called out for help I heard at the same time a report of a pistol, and directly after I replied to the sheriff, he, the Sheriff Dunphy, pointed a pistol towards my head and fired; we then clinched and both went down together into the ditch by the roadside. I felt I had been struck, and believed it was the bullet from the pistol so fired by Sheriff Dunphy; my right eye was partially blinded by gunpowder from the second firing of the pistol by said Sheriff Dunphy when we rolled into the ditch. I relinquished my hold of said Dunphy, and being somewhat stunned and confused by the struggle and the hurt I had received, I did not follow them further, but saw the two Dunphys drag Macdonald up towards where the boat lay and put him by force in it, and they then rowed away from this shore and towards the town of St. Clair, in the State of Michigan. I required medical attendance for my hurts and suffered for the same for three weeks or upwards. I made an

affidavit in this case in the early part of November last. I then stated the truth as I do now, and had no desire, and have none now, to give any statement but what I know and fully believe to be absolute fact and truth, free from favor or prejudice to any one.

STEPHEN RANKIN.

Sworn before me at the township of Moore, in the county of Lambton, this 14th of January, 1868.

G. McMICKEN.

Second affidavit of Andrew Gallerno.

The foregoing is a true copy of an affidavit made by me at the instance of J. B Pardlee, esq., county crown attorney, in reference to the matter therein alluded to, to wit, the forcible abduction of Allan Macdonald from the township of Moore to the State of Michigan, and the said affidavit contains and is a true statement of the facts and circumstances therein set forth as occurring under my own observation. Said affidavit was made on or about the 9th day of November, 1867. Having fully therein stated all the facts, so far as I can recollect, that are pertinent to the case, I have nothing to add and nothing in any way to alter or amend.

ANDREW GALLERNO.

Sworn before me at Mooretown, in the township of Moore, in the county of Lambton, this 14th day of January, 1868.

G. McMICKEN,
Stipendiary Magistrate and Justice of the Peace, Lambton.

Deposition of Joseph Gallerno.

COUNTY OF LAMBTON, *to wit:*

I, Joseph Gallerno, of the township of Moore, in said county, innkeeper, make oath and say that I reside in the said township, and keep a tavern called Ferry House, situated on the road which runs along the bank of the river St. Clair, in the State of Michigan, one of the United States of America. I was in my tavern on Saturday, the 5th day of October, 1867, and remember well the circumstances connected with the abduction of Allen Macdonald by William H. Dunphy and his brother on that day.

On Wednesday or Thursday preceding said Saturday Allan Macdonald was in my tavern. I was talking with him about his having come away from St. Clair, and from the sheriff's custody there. He said if the sheriff would have to pay the fine he would go back, but if it was to be at the loss of the government he would not return. He, the said Macdonald, asked me if I would ask the sheriff when I went over, which I did frequently every day, being engaged in ferrying, to come over here and see him (Macdonald) on Saturday, and said if the said sheriff (William H. Dunphy) said he would have to make good the fine he would go back. I did not tell William H. Dunphy, the said sheriff, what Macdonald requested me to tell him. I saw him, but did [sic] think of it at the time I saw him. On Saturday, the fifth of October aforesaid, I was in my tavern. I was in bed, not being well. About one o'clock in the afternoon, my brother Andrew came to my bed-room and told me that Allan Macdonald had come, had put his horse in the stable, and wanted to see me, and requested me to get up right off. I went immediately into the bar-room and found Macdonald washing himself at the wash-stand. I asked him to drink, and we took a drink together; we were both quite sober. Turning from the bar I looked towards the river, the door being open, and I saw a boat coming across the river. I remarked to Macdonald, "There is Harvey's boat coming across, with four or five men." When they got well towards this side I looked through a spy-glass at the boat and recognized William H. Dunphy. I said to Macdonald, "William Dunphy is on board." He also looked through the spy-glass, and he said, "They are both aboard; both Dunphys are aboard. I am glad they are coming over;" and again he said, "if he has got to pay it (meaning his fine) I will go back with them. If he has not got to pay it I won't go back." Soon after this remark the boat landed at Harvey's tavern and ferry, which is about thirty rods above my place. In about the space of ten minutes, more or less, William H. Dunphy, Andrew Dunphy, Samuel Collins, and George Powell came together to my place. When William H. Dunphy came into the house he shook hands with Macdonald and called for something to drink, treating all hands. After some general conversation, lasting a few minutes, Andrew Dunphy said: "It's my treat," and treated accordingly. My wife then announced dinner. I told Macdonald to come in to dinner. Sheriff Dunphy said: "I want some dinner, too." My wife made preparations accordingly, and William H. Dunphy took dinner with Macdonald and his (Macdonald's) nephew, who accompanied him here. William Dunphy first left the dinner table and came into the bar-room. He said to his brother, "Don't you want some dinner?" His brother replied, "No: I'll go in and have a piece of pie." He went

in and got the pie, and came out into the bar-room with Macdonald's nephew and Macdonald. Sheriff Dunphy and Stephen Rankin, with myself, were then in the bar-room. Just about this time John Kirby called and asked for Mr. Powell. I told him he was there. He said: "Tell him to come out, as I want to see him." Kirby was in a one-horse wagon in the road opposite the door. Mr. Powell went out, and went away with Kirby. Mr. Collins also went home at or about this time, leaving in the house at this time myself, my brother Andrew, Sheriff Dunphy, his brother, Macdonald and nephew. Andrew Dunphy then treated all hands again; all drank but myself. Stephen Rankin, whom I have omitted to name, was there with us, and drank, too. Macdonald said: "It is too bad; I have hurt my horse in some way. He is lame; come out to the stable and see him." This he said to Sheriff Dunphy. They then went to the stable together. Macdonald's nephew might have accompanied them, but I am not certain of this. While they were gone Andrew Dunphy said: "Let's have something to drink," and treated Mr. Rankin and myself, he and Rankin drinking. I took a cigar. Macdonald and Sheriff Dunphy returned from the barn in about ten or fifteen minutes. On their coming into the bar-room Macdonald said: "It's my treat," and he treated, when they all drank again, except my brother Andrew, who does not drink at all. Macdonald's nephew did not drink. About this time John Kirby drove up in his wagon on the road opposite the door. Macdonald went out and said: "Hold on, Kirby, a minute; I want to talk to you." Macdonald went to the wagon and stood by it on the side next the river, resting his foot on the hub of the wheel. Rankin had also gone out, and was in the road in front of the house, but a little towards the river side. Andrew Dunphy was walking in front of the house, between the house and Kirby's wagon. William H. Dunphy was standing outside the door, leaning up against the house. I was inside the door, but looking out. My brother Andrew was standing next to Sheriff Dunphy, by the door. William Dunphy said to Andrew Dunphy, "You go and take that fellow by the nape of the neck and take him up to Harvey's and put him in the boat." He did not seem to mind this order. William H. Dunphy then hauled out his revolver and said: "I am bound to have him over, and I'll shoot any man that dares to interfere." He went to the wagon, revolver in hand, and put his hand on Macdonald, saying: "Macdonald, are you not coming over with me?" at the same time holding the revolver at Macdonald's head. Macdonald said: "I do not want to go now; I'll go over in the evening." Dunphy said: "I want you to go now, or else I'll blow your brains out." With that his brother, Andrew Dunphy, stepped up towards Macdonald and took hold of him, and began to drag him up the road towards Harvey's, where the boat lay. Kirby called to Rankin, and said: "Rankin, don't let that man be dragged away that way." Rankin then seized hold of Macdonald, endeavoring to release him from Andrew Dunphy's hold. I then told Macdonald's nephew to run up to Harvey's and tell them what was going on, so that help might be got to rescue Macdonald. The lad refused to go, saying he was afraid. Kirby then drove towards the house, calling out, "Joe, Joe," saying "Come, don't let us let that fellow be taken over the river." I said it was no use; we had no arms, and they both (the sheriff and his brother) had revolvers. Kirby then left his horse and went up to Harvey's to seek for assistance. I also sent my brother down for Mr. Powell. At this time Andrew Dunphy had still hold of Macdonald, and William H. Dunphy had hold of Rankin, whom he had dragged away from his hold of Macdonald. Macdonald's nephew and myself were at this time together, in front of the house; the nephew was crying. I moved out towards the said parties when they were scuffling, and then heard two shots fired. The shots followed each other in quick succession. Macdonald's nephew called to me: "Don't you go; you'll get shot, too." I saw Sheriff Dunphy and Rankin down together. Rankin was uppermost at first, but Dunphy turned him over. Rankin appeared to have grasped Dunphy's pistol, and it seemed they had both hold of it together. Andrew Dunphy called to his brother: "I have got this fellow all right," meaning Macdonald. Sheriff Dunphy then left Rankin, and, joining his brother, they together took Macdonald arm and arm and took him up to the boat, dragging him along, and roughly threw him into the boat. They immediately shoved off from the shore and rowed directly off for the town of St. Clair. Directly after hearing the pistol shots I observed blood on Macdonald's face. While Macdonald was in the hands of Andrew Dunphy, and Sheriff Dunphy was engaged with Rankin, he (Macdonald) called out for help twice. Mr. Powell arrived, in answer to my message, when they got about half way to the boat.

From my house to the boat is about thirty rods. Macdonald did not seem to go freely, but struggled and resisted all the way. Macdonald is not very strong; he is a small man, and is a cripple.

JOSEPH GALLERNEAU.

Sworn before me, in the township of Moore, in the county of Lambton, this 14th day of January, 1868.

G. McMICKEN,
Stipendiary Magistrate and Justice Peace, Lambton.

Macdonald. Just here. He wagon in Mr. Collins my brother why then committed to me hurt my he said to right have Dunphy Rankin in about "It's my does not love up in Kirby, it on the gone out, new Dunphy, William H. inside the Dunphy, by now by the not seem : "I am went to the are you I's head. Dunphy said : Andrew him up "Ran Macdonald's not be got drove to follow be the sheriff's to seek Dunphy he had at this towards the followed ; you'll permost's pistol' her: "I in, and, the boat, rowed off during the hours of (called out half so freely, all man, EAU. day of bton.

*Deposition of Samuel Collinge.*COUNTY OF LAMBTION, *to wit:*

I, Samuel Collinge, of the township of Moore, in the county of Lambton, mariner, make oath and say that I was in the house of my father-in-law, John Harvey, on Saturday, the 5th day of October, 1867, when Wm. H. Dunphy, sheriff of the county of St. Clair, in the State of Michigan, with his brother, Andrew Dunphy, George Powell, and the boy who had rowed the boat for them, came in; they remained for a few minutes, and then Sheriff Dunphy, his brother Andrew, George Powell, and myself, went down together to Gallerneau's tavern; when we got there Sheriff Dunphy went into the bar-room, and at once shook hands with Allan Macdonald, who was sitting there. Sheriff Dunphy told Macdonald, "I have got the thing so fixed now that it will only cost you the costs, \$60, or thereabouts, but if you don't pay that I am stuck for the whole." Macdonald said, "It shall never cost you a cent." Soon after this Sheriff Dunphy and Macdonald went into dinner, and I left and returned to my father-in-law's, whose place is about thirty rods from Gallerneau's. I was in there about getting shaved, when I heard a noise and ran outside. Mr. Harvey told me some one is stealing our boat. George Powell said, "You are a nice man to allow them to take that man away in your boat." I said, "What boat?" Powell pointed it out. I then saw it and hailed them, and told them to bring back the boat. Sheriff Dunphy held up a pistol, as near as I could distinguish, and shook it threateningly, and I heard one of them, I could not say which, say, "Go to hell, you damned son-of-a-bitch!" I saw Macdonald bent over one of the thwarts of the boat, with his face towards the stern, and blood was dropping from his face. When I went over to St. Clair and got the boat I found a considerable quantity of blood in her. I had quite a job to clean it out. I showed it to Squire O'Dell, of St. Clair, and John E. Kitten, and others; since then I have seen the said Sheriff Dunphy often. On one occasion George Powell and myself saw him together; he told us he would have to give the man up. He had a letter from Secretary Seward, and the letter was a pretty saucy one. About three weeks ago I saw Macdonald in the jail of St. Clair; he expressed himself as very anxious to get out. He did not say anything to me about his treatment, but he looked very bad. I know John Kirby, Stephen Rankin, Joseph Gallerneau, and George Powell, and I believe them to be persons of strict truthfulness and veracity.

SAMUEL COLLINGE.

Sworn before me at the township of Moore, in the county of Lambton, this 14th January, 1868.

G. McMICKEN,
Stipendiary Magistrate.

*Deposition of George Powell.*COUNTY OF LAMBTION, *to wit:*

I, George Powell, of the township of Moore, in the county of Lambton, acting veterinary surgeon and yeoman, make oath and say that I reside in a house on the same lot on which Gallerneau's tavern is, and distant from said tavern about twenty-five rods. On Friday, the 4th day of October, 1867, Allan Macdonald came to my place and asked me to go over to Gallerneau's to look at his horse, and I did so; after I had examined the horse he asked me to do him a favor. I said I would if I could. He then requested me to see Sheriff Dunphy, in St. Clair, and ask him to come over and meet him, said Macdonald, there at Gallerneau's about the middle of the afternoon to-morrow, (Saturday.) On Saturday, having occasion to cross to St. Clair, I called at the sheriff's office there and delivered the message from Macdonald to him, telling him that Macdonald wished to see if they could not try and settle this affair, meaning his fine and costs, and his escape from the sheriff's custody on the Monday previous. Sheriff Dunphy said yes, he would, and asked me how I was over; I said in a boat; he then asked how long before I returned; I said in about twenty minutes; he said he would be ready. When we had embarked in the boat his brother, Andrew, was standing on the dock. The sheriff asked him if he had not better come over. He replied, I don't mind if I do go. He also got into the boat. When part of the way across, the sheriff drew a revolver from his pocket and fired three different shots, at gulls twice, and a floating piece of wood once. He then took some cartridges from his pocket and reloaded the discharged chambers of the revolver. The sheriff said to me in the boat, I have got this thing all fixed right, so that Macdonald will only have the costs to pay, sixty-three dollars. I said, Allan will be very glad, for he wants to settle it. When we arrived near the landing place Andrew Dunphy took a revolver from his pocket and examined it, as if looking to see if it was right, and returned it to his pocket and said nothing. After landing we went into Mr. Harvey's, (a tavern.) Harvey and Mr. Sheriff Dunphy conversed together; I did not hear what they said. Dunphy settled for my ferrage, and treated. When I came up Dunphy said, "He's a brother," inquiringly like. Harvey said no, but he

is just as good. Samuel Collins then came into the bar-room, and Dunphy asked him to go down with us to Gallerneau's. He said yes. We, Sheriff Dunphy, Andrew Dunphy, Collins, and myself then went down to Gallerneau's. As soon as we arrived Sheriff Dunphy entered the bar-room where Macdonald was sitting and shook hands with him. He told Macdonald "that he had got it all right now but the costs, sixty-three dollars, which one or other of them would have to pay. If you don't go over it will fall on me." Macdonald replied, "you shall never pay one cent for me; I will go over with you this evening." Mr. Dunphy then seemed in good spirits, and asked all hands up to partake of a treat. Soon after this Dunphy and Macdonald went into dinner, and I was called away by John Kirby, who wanted to see me at my own place. While taking my dinner at home, it then being about 3 o'clock in the afternoon, Andrew Gallerneau came in and said his brother wanted me over right off, but did not say what for. I finished my dinner and proceeded towards Gallerneau's. But just before leaving the house I heard two shots; when near Gallerneau's I saw Sheriff Dunphy and Stephen Rankin struggling in the ditch by the roadside. Andrew Dunphy had Macdonald down in the road, and appeared to have his knee on his body. After Sheriff Dunphy and Rankin separated the sheriff went towards his brother and Macdonald and seized hold of Macdonald by the collar. He took hold of him on one side, Andrew Dunphy had hold on the other, each of them holding a revolver in their disengaged hands. Macdonald called out to me, "For God's sake help me, I am badly hurt." They together continued to drag him until they took him to the boat. I overtook them when about half way to the boat. Andrew Dunphy turned half round and held out his revolver towards me, and said that he would shoot any man that would interfere, he did not care who it was. Not being armed I could not interfere, but followed them to the boat. I saw them throw Macdonald roughly into the boat. Macdonald was then bleeding on the face. Just before they got to the boat I called to Mr. Harvey not to let them take the boat, but he did not answer. Harvey, Kirby, and another man stood by the door where they go down to the boat, about a rod or two only from the river. Andrew Dunphy rowed the boat off. Macdonald was on his hands and knees in the boat. I asked Harvey why he let them take his boat; he said he would have them up for stealing it. I said, you can't do that, when you stood here and never forbade them. Samuel Collins, when spoken to by me after I went into the house and found him there with three other men, went out and called to Dunphy to return with the boat, to which Andrew Dunphy replied in a loud voice, "Go to hell, you Canucks sons-of-bitches!" When I returned towards Gallerneau's I found Rankin on the road, about the place where the sheriff had left him. I found he had a wound in his head. He said he was shot. I then went with him to Mooretown, when the doctor examined his head, and hearing from the doctor that his wound was not dangerous I returned home.

GEORGE POWELL.

Sworn before me at the township of Moore, in the county of Lambton, January 14, 1868.

G. McMICKEN,
Stipendiary Magistrate.

Deposition of Allan Macdonald.

I, Allan Macdonald, of the township of Sombra, in the county of Lambton, in the province of Ontario, in Canada, teamster, but now confined in the jail of the county of St. Clair, in the town of St. Clair, in the State of Michigan, one of the United States of America, make oath and say:

In the month of September, in the year A. D. 1867, I was tried and convicted in the Supreme Court of the United States on a charge of smuggling, and was sentenced to pay a fine of five hundred dollars and costs amounting to sixty-six dollars or thereabouts, and to be kept in jail until fine and costs were paid. Not being able to pay said fine and costs, I was brought up to and imprisoned in the jail of the said county of St. Clair, in the town of St. Clair and State of Michigan, of which county William H. Dunphy was then and is now sheriff, and, as such, had and has charge of the said jail. Soon after I had been received into said jail, within less than two hours, the said Sheriff Dunphy came and opened the door of the apartment I was in and told me to come out. This, I understood, he did at the solicitation of my brother, and out of a humane and kind feeling towards me, with a view to my being at liberty to make an effort to raise the fine and costs, and to obtain my liberty. The said sheriff doubtless had confidence in me that I would not go away, but I do not recollect promising or pledging myself to him in this respect; I did, however, tell Mrs. Dunphy, wife of said sheriff, that I would not go away. I remained at liberty in the said town of St. Clair for about three weeks, when, finding I could not succeed in raising the money, I thought if I made my escape into Canada I could make better terms in getting the matter settled, and obtain liberty to return to the said town of St. Clair as I might choose. I accordingly went across the river to Canada on Monday, the 30th day of September, 1867. On Thursday or Friday, the 3d or 4th of October following, I requested Joseph Gallerneau and George Powell to see Sheriff Dunphy and ask him to come over on Saturday, the 5th of said October, and see me at Joseph Gallerneau's tavern. Said Powell delivered my message to said sheriff, and, in compliance with my request, the said Sheriff Dunphy came over to said

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tavern of Joseph Gallerneau, and saw me there on Saturday. We met in the bar-room and afterwards took dinner together, and also went together to the stable to look at my horse. In the course of conversation the said sheriff told me that he thought the matter could be settled very soon, and that I would, he thought, be let off by paying the costs, if I came over and attended to it, but if I did not go over he, the said sheriff, would be stuck for it. I told him I did not intend he should suffer for me, and I would go over in the evening. In a little while after our return from the stable I went out in the road to speak with Mr. John Kirby, who was in a wagon in front of the door. I stood on the side of the wagon next the river, and, while so talking to Kirby, William H. Dunphy, said sheriff, came up to me and took hold of me by the coat to pull me away from the wagon. After he got me away from the wagon into the road he pulled out a revolver and said he would shoot me if I did not come along. At this time Andrew Dunphy, brother to said sheriff, who accompanied him over to the Canada side, took hold of me. At the same time, also, another man, whose name I did not know, but have since learned was Rankin, took hold of me to release me from the hands of the Dunphys. Sheriff Dunphy let go his hold of me and clinched with Rankin, the said Andrew Dunphy still keeping hold of me and keeping me down on the road. Sheriff Dunphy and Rankin were together in the ditch; while they were down and scuffling I heard a pistol-shot, which I believe was a shot fired from the said revolver in the hands of Sheriff Dunphy. I only heard one report of a pistol-shot, and am quite certain there was but one shot fired during the whole affair. Directly after the report of the pistol William H. Dunphy and Rankin separated, and said William H. Dunphy came towards Andrew Dunphy and me, and they both then hurried me up to the boat, which lay at Harvey's, and put me on board. When first seized by said sheriff I called out for help, but after I was taken hold of by both of them I did not call for any help. They ran up to the boat with me as fast as they could, pulling me along, but I made no resistance, thinking then I might as well go with them as not. While they were so taking me to the boat I saw no display of revolvers in the hands of either Dunphy, but in the boat I saw two revolvers which they laid down on one of the seats of the boat. After we left the Canada shore Andrew Dunphy called out, "I don't care now for the Canucks," or something like that. I did not hear any hailing from the shore. In the first struggle, when Andrew Dunphy had hold of me, I was hurt in the face, and my nose bled freely; none of my hurts were at all serious. Since I have been again in jail I have nothing to complain of, as regards my treatment; I believe I am treated as well as any of the other prisoners. Previous to this affair I lived in the town of St. Clair aforesaid for about seven years, but I never voted or took out naturalization papers. Had Mr. Dunphy not have taken hold of me when he did, I would certainly have returned to his custody that evening, as I had made up my mind to do so.

ALLAN MACDONALD.

Sworn before me at the town of St. Clair, in the State of Michigan, this 15th day of January, 1868.

G. McMICKEN,
Stipendiary Magistrate for Ontario.

Statement of William H. Dunphy, esquire, sheriff of the county of St. Clair, in Michigan, voluntarily made before the undersigned, at the town of St. Clair, in the said State of Michigan, this 15th day of January, 1868.

G. McMICKEN,
Stipendiary Magistrate, Province of Ontario.

On the 7th day of September, 1867, I received into my custody as sheriff of the county of St. Clair, in the State of Michigan, one Allan Macdonald, convicted of smuggling in the United States court, sentenced to pay a fine of five hundred dollars and costs, or to be imprisoned until said fine and costs were paid. Under a mittimus, to me directed, I put the said Macdonald in jail. At the solicitation of his brother, brother-in-law, and friends, within two hours after receiving him into my custody, I gave him the liberty of the town, upon his positive promise and assurance that he would not leave the town. He so continued at liberty and remained within the town, reporting his presence to me daily, for about three weeks. On or about the last day of September, in direct contravention of his pledge and agreement, he left the country, and went across the river to Canada, thereby rendering me liable for the fine imposed upon him and for the costs, as well as subjecting me to censure and charge of remissness in duty. I felt much hurt at this gross act of deception on the part of Macdonald, as what I did for him was done from motives of humanity and kindness alone. On the fifth of October, 1867, I received a message from Allan Macdonald, by one George Powell, requesting me to go over to one Gallerneau's tavern, in the township of Moore, in Canada, and directly opposite the town of St. Clair, and there see said Macdonald, to confer with him about settling his matters. In compliance with his request, I crossed over the river with said Powell, my brother, Andrew Dunphy, going along with me. On reaching Gallerneau's tavern I saw Macdonald there, in the bar-room, and conversed with him. I told him I felt sure if he came over he would soon get clear, by paying the costs

alone, and I am sure an effort would have been made for him which would have had this effect. After being there for some time, Macdonald not appearing unwilling to come back over the river with me, but saying he would come, only putting it off and lingering, my brother Andrew, getting impatient, stepped up to Macdonald, while he was in the road talking to a man in a wagon, and took hold of him, telling him to come along. At this time I was about twenty feet distant from my brother and Macdonald. Macdonald called out, and I went towards them, and then I was seized by one Rankin, who tore open my waistcoat and shirt, and struck me in the forehead with something, I cannot say what. We then clinched and fell together in the ditch, but, before falling, and after getting the blow from Rankin, I struck him on the head with the butt-end of a revolver, which I took from my pocket, and the effect of the concussion was to explode the pistol. The firing of the pistol was entirely accidental. I never, at any time during the affair, shot at any one or presented a pistol at any one whatever. My brother Andrew had still hold of Macdonald, towards whom I moved after separating myself from Rankin, and we then together went to the boat, my brother putting Macdonald into it; he, Macdonald, then making no resistance, nor calling out for help. We then brought said Macdonald across the river, and placed him in the jail, where he has been ever since, and now is, and has constantly been, treated and dealt with kindly, and as well as any other prisoner in said jail.

W. H. DUNPHY.

I have heard the foregoing statement of my brother, William H. Dunphy, and what is therein stated is correct and true in every particular.

ANDREW DUNPHY.

Mr. Seward to Mr. Thornton.

DEPARTMENT OF STATE,

Washington, February 17, 1868.

SIR: I have the honor to acknowledge the receipt of your note of the 14th of February in relation to the abduction of Allan Macdonald from the township of Moore, in Canada, on the 5th of October last, by William H. Dunphy, sheriff of St. Clair, Michigan, accompanied by his brother, Andrew Dunphy. I have carefully read the papers which accompany your note, and which were transmitted to you by Lord Monck. It gives me pleasure to say that the view of the case which you have presented seems entirely candid and fair. I would gladly overlook, if it were possible, a point which operates to the advantage of your case and against our own, which you have not presented. The prisoner Macdonald and the Canadian persons concerned were unofficial, private persons. The principal United States actor was a sheriff of Michigan, and, in a practical sense, he was acting as marshal of the United States government. He committed a great fault as a civil officer in permitting the culprit who had been intrusted to him for close penal custody to go at large in the streets of St. Clair. All the other proceedings occurred in his attempts to retrieve that unpardonable error. There is much doubt, however, whether the sheriff actually applied or authorized force to be exerted in bringing the prisoner out of Canada. There is even much doubt whether the prisoner was not actually consenting to the show of force made by the two Dunphys. Nevertheless, it is not to be allowed by either government, in any case, that an officer of one of the governments, having a prisoner in judicial custody and permitting him to escape, shall pursue the offender into the jurisdiction of the other country, at the hazard of disturbing the peace of the frontier.

Upon these grounds I am authorized to express the disapprobation by this government of the proceedings of the sheriff in the case of Macdonald, and to direct that person to be set at liberty in Canada. I hope that this proceeding on our part will be acceptable to your government as a satisfactory solution of the whole question.

Awaiting your reply before adopting final proceedings in the case, I have the honor to be, with the highest consideration, sir, your obedient servant,

EDWARD THORNTON, Esq., &c., &c., &c.

WILLIAM H. SEWARD.

Mr. Thornton to Mr. Seward.

WASHINGTON, February 20, 1868.

SIR: I have the honor to acknowledge the receipt of your note of the 17th instant relative to the abduction of Allan Macdonald from the township of Moore, in Canada, in October last.

I have much pleasure in expressing to you my sincere acknowledgments for the view which you have taken of this matter, and which so completely accords with my own. I am confident that her Majesty's government will also be much gratified, and will be entirely satisfied with the contents of your note.

In the mean time I hope you will believe that we can have no sympathy with the individual in question, who showed so great a want of good faith on the occasion; nor was the representation I made to you inspired by any wish to withdraw a convicted criminal from punishment, but was merely for the purpose of inviting your assistance for the prevention of any conflict between the authorities of our two countries.

I therefore take upon myself the responsibility of not accepting your offer, that Allan Macdonald should be set at liberty in Canada—confident, as I am, that her Majesty's government will approve of this step, at the same time that they will fully appreciate the straightforward manner in which you have treated the question.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

Hon. WILLIAM H. SEWARD, *§v., §v., §v.*

EDWARD THORNTON.

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The EDITH and LORNE PIERCE
COLLECTION of CANADIANA



Queen's University at Kingston